

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Annamarie Trombetta

Plaintiff, Artist

Write the full name of each plaintiff.

18 CV 00993

(Include case number if one has been  
assigned)

-against-

PROPOSED SECOND AMENDED COMPLAINT

Estate Auctions Inc.

Norb and Marie Novocin

Defendants

Do you want a jury trial?

☐ Yes ☐ No

WorthPoint Corporation

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

## I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case? .

☒ **Federal Question**

☒ **Diversity of Citizenship**

### A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

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Direct Copyright Infringement Act

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Visual Artist Rights Act

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Digital Millenium Copyright Act (CMI)

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### B. If you checked Diversity of Citizenship

#### 1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, Annamarie Trombetta, is a citizen of the State of  
(Plaintiff's name)

New York

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

---

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, Norb and Marie Novocin, is a citizen of the State of  
(Defendant's name)  
Delaware

or, if not lawfully admitted for permanent residence in the United States, a citizen or  
subject of the foreign state of

\_\_\_\_\_  
If the defendant is a corporation:

The defendant, Estate Auctions, Inc., is incorporated under the laws of  
the State of Delaware

and has its principal place of business in the State of Delaware

or is incorporated under the laws of (foreign state) \_\_\_\_\_

and has its principal place of business in \_\_\_\_\_.

If more than one defendant is named in the complaint, attach additional pages providing  
information for each additional defendant.

## II. PARTIES

### A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional  
pages if needed.

Annamarie Trombetta

First Name Middle Initial Last Name

175 East 96th Street (12 R)

Street Address

New York

New York

10128

County, City

State

Zip Code

(212) 427-5990

atrombettaart@gmail.com

Telephone Number

Email Address (if available)

If the defendant is an individual:

The defendant, WorthPoint Corporation, is a citizen of the State of  
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or  
subject of the foreign state of

If the defendant is a corporation:

The defendant, WorthPoint Corporation, is incorporated under the laws of  
the State of Georgia

and has its principal place of business in the State of Georgia

or is incorporated under the laws of (foreign state) \_\_\_\_\_

and has its principal place of business in \_\_\_\_\_.

If more than one defendant is named in the complaint, attach additional pages providing  
information for each additional defendant.

## II. PARTIES

### A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional  
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Annamarie Trombetta

First Name Middle Initial Last Name

175 East 96th Street (12 R)

Street Address

New York

New York

10128

County, City

State

Zip Code

(212) 427-5990

atrombettaart@gmail.com

Telephone Number

Email Address (if available)



**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><b>Norb</b></td> <td style="width: 50%;"><b>Novocin</b></td> </tr> <tr> <td style="border-top: 1px solid black; border-bottom: 1px solid black;">First Name</td> <td style="border-top: 1px solid black; border-bottom: 1px solid black;">Last Name</td> </tr> <tr> <td colspan="2" style="border-top: 1px solid black; border-bottom: 1px solid black;"><b>Owner Estate Auctions Inc</b></td> </tr> <tr> <td colspan="2" style="border-top: 1px solid black; border-bottom: 1px solid black;">Current Job Title (or other identifying information)</td> </tr> <tr> <td colspan="2" style="border-top: 1px solid black; border-bottom: 1px solid black;"><b>12221 Old Furnace Road</b></td> </tr> <tr> <td colspan="2" style="border-top: 1px solid black; border-bottom: 1px solid black;">Current Work Address (or other address where defendant may be served)</td> </tr> <tr> <td style="border-top: 1px solid black; border-bottom: 1px solid black;"><b>Seaford</b></td> <td style="border-top: 1px solid black; border-bottom: 1px solid black;"><b>Delaware</b></td> <td style="border-top: 1px solid black; border-bottom: 1px solid black;"><b>19973</b></td> </tr> <tr> <td style="border-top: 1px solid black; border-bottom: 1px solid black;">County, City</td> <td style="border-top: 1px solid black; border-bottom: 1px solid black;">State</td> <td style="border-top: 1px solid black; border-bottom: 1px solid black;">Zip Code</td> </tr> </table>	<b>Norb</b>	<b>Novocin</b>	First Name	Last Name	<b>Owner Estate Auctions Inc</b>		Current Job Title (or other identifying information)		<b>12221 Old Furnace Road</b>		Current Work Address (or other address where defendant may be served)		<b>Seaford</b>	<b>Delaware</b>	<b>19973</b>	County, City	State	Zip Code			
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County, City	State	Zip Code																				

Defendant 4: WorthPoint Corporation

First Name

Last Name

Current Job Title (or other identifying information)

5 Concourse Parkway NE Suite 2850

Current Work Address (or other address where defendant may be served)

Atlanta

Georgia

30328

County, City

State

Zip Code

### III. STATEMENT OF CLAIM

Place(s) of occurrence: Fraudulent Internet Post Counterfiet Artwork Copyright Infringement Identity Theft IIED

Date(s) of occurrence: August 2015 to Present

#### FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SEE ATTACHED SHEETS FOR ESTATE AUCTIONS INC.

NORB NOVOCIN A and MARIE NOVOCIN

SEE ATTACHED SHEETS FOR WORTHPOINT CORPORATION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Attachment of Facts From Original Complaint with Defendants Norb and Marie Novicins**

**Estate Auctions Inc.**

1. In late summer of 2015, I found a Fraudulent internet posting using my name and biography . This painting was allegedly sold in December 2012 by Estate Auctions Inc, which is owned and operated by Marie and Norb Novocin who sold a painting that they falsely misattributed to me. Initially the seller was not known to be until months later. The first company I contacted was eBay.
2. In time I learned that on December 1, 2012 Marie and Norb Novocin sold an Oil painting dated 1972, entitled "Man with a Red Umbrella". In their description listing was an internet posting and link that the painting was signed Annamarie Trombetta and that I painted it in 1972. They also included in the description on the internet a photo of a signature on the painting which is not my signature. The photo signature is A. Trombetta. The painting description documents that it was signed Annamarie Trombetta. The Estate Auction Inc. description stated there were " 12 photos . The photos of the images were not visible online, only the photo of the A. Trombetta signature signed in oil.
3. In 1972 I was nine years old and was not painting at all. My website biography makes that clear. Estate Auctions Inc. copied information from my artistic website and listed my biography on their on-line store for their e-Bay internet site . This posting was listed under my name and profession/Artist listing on the internet. This is how I found and kept finding false links and additional information.
4. Value--The 1972 "Man with the Red Umbrella" sold for \$181.50 and was described as a large oil approx. 17 1/2 wide X 48 1/2 tall. The description states that there is a tear in the canvas 5/8 long and is described as "shabby chic". Further, the EA Inc. listing stated that the painting was "signed on the bottom but on the back it has written in red on the stretcher, Annamarie Trombetta " Gifted" 1977, Painted 1972. I did not paint in oil until 1981.
5. This damaged low bid priced painting which is falsely attributed to my name posted on the internet greatly devalues my work and the integrity of the quality of my materials used to create my work. This is defamation.
6. The prices of my artwork at present are **not listed on the internet nor on my website**. The Estate Auction Inc. misappropriated sale which attributed a false damaged painting with a low price to my name undermines the value of my work which constitutes libel. Some examples of my current retail value is 2 inch by 2 inch miniature oil painting sold in 2016 for \$500. A painting sold in 2017 is an oil size 16 inch by 20 inch which was purchased for \$5500.



7. I created all the content--text(biography) and visuals on my website and I am the sole owner and author of that content. The Digital Millennium Copyright Acts permits others to use the text for education but does not for the use to gain a profit.
8. I never gave Estate Auctions Inc.the right to use my name nor to use the content of my biography. As the owner of the copyright I did NOT sell the reproduction rights nor did I sell the license to print while I retain the Copyrights. No such transaction with either EA Inc or WorthPoint happened.
9. I am a New York artist who creates, sells & exhibit my work in NY City. Most of my subject matter is of New York, Central Park in particular. In 2015 I had 2 solo exhibits on my Central Park artwork, one venue was at a museum. The false painting was posted on the internet and is visible throughout the world. The internet posting was up since the sale of December 1, 2012 until 2017.
10. This posting caused the value and sales of my work to decrease. I know of one lost sale due to this posting after my two solo exhibits in 2015.
11. Estate Auctions Inc. defines themselves under their description for the 1972 Original Olil Painting Man With Red Umbrella Signed Annamarie Trombetta YQZ as the "seller of Antiques, Collectibles and Quirky items on eBay. E Bay is described as an internet multi-national e-commerce corporation. Estate Auctions Inc states that they have been in business "since 1998. ALL of their auctions start at 99 cents.
12. The misappropriated painting and the use of my name in association has been posted on the internet since the sale of the fraudulent artwork on December 1, 2012 according to Gregory Watkins who is the website master at WorthPoint.com. WorthPoint is an internet website which posts the sales made by Estate Auctions Inc. The photo feature of the signature A.Trombetta--a signature that was NOT MINE featured the ebay logo and had with the © symbol & "Copyrighted work licensed by WorthPoint".

**To clarify my reason for this legal action I will give a brief history prior to commencing this lawsuit.**

13. **History**--Beginning in 2015 I had two solo exhibitions. There were four articles written on my exhibits which in time were on the internet.
14. In mid August 2015 a colleague brought to my attention the false posting using my personal and detailed biography which was listed on the Worthpoint.com website stating that the painting was sold . The e Bay logo and statement a copyright logo and the statement "Copyrighted work licensed by WorthPoint" appeared under a signature "A.Trombetta painted in oil on canvas which is not mine.



15. From late August to October 2015 I kept contacting e Bay by phone and via e-mail to no avail and /or derived any conclusive information.
16. From late October 2016 I kept contacting Worthpoint.com which was the website which listed the posting of the misappropriated painting sold by Estate Auctions Inc. I was unable to contact or receive a response until I signed onto their website Membership. Anita who worked at WorthPoint was my phone contact. After many calls I informed her that I was NOT the artist who painted this image etc. In February 2016 I spoke with Worthpoint's Web Master/Designer Gregory Watkins at (770) 344-9182. Mr. Watkins gave me the e-mail of William Sieppel [will@worthpoint.com](mailto:will@worthpoint.com) & I was given a removal ticket # 57675. In time the internet post disappeared.
17. In December 2016 I found the WorthPoint posting on the internet again under Annamarie Trombetta & Artist Annamarie Trombetta. This time I and one of my collectors, Teri Meissner contacted the original seller of the false painting which was Estate Auctions Inc. Upon receiving a no answer response, I phoned Marie Novocin on January 10th 2017. Shortly after I received a phone call from Norb Novocin. In short he stated they did nothing illegal and that I should "GO FOR IT and hire an attorney".
18. In January 2017 I also contacted Will Sieppel CEO at WorthPoint.com via e-mail to have the second posting removed AGAIN from the internet.
19. In September of 2017 Attorney Megan Noh of Cahill Cossu Noh & Robinson sent a Letter to Marie & Norb Novocin for Settlement Purposes. Megan Noh did not receive any response. She called to confirm receipt of the letter which Marie Novocin did confirm yet she refused to accept any liability.
20. In October 2017 I made a report with the BBB of Delaware. A response letter from November 28, 2017 was forwarded to the Delaware Better Business Bureau by Marie Novocin which contained either incorrect and or false statements. These Statements regarding myself and the Letter from Attorney Megan Noh are:
21. In March 2019, EAI Defendant issued a statement "***We now understand that at least one third-party internet site scraped information about the December 1, 2012 eBay sale that contained the mis-attribution naming Ms. Trombetta and reposted the same on its website at least twice. Because Estate Auctions has no control over this third party, Ms. Trombetta had difficulty removing this information from the website. We regret that this error added any stress to an artist's life, and, although this is the only misidentification of any painting sold by Estate Auctions about which we are aware, we have taken steps to ensure that such a misidentification does not occur in the future***
22. In April 2019 Judge Ronnie Abrams held a Settlement Conference in her chambers to resolve and end this issue. A nominal amount of meager means was

the end result. Plaintiff in Doc 22 did file a settlement proposal to attempt to see the painting and red signature and or the 12 original photos . Defendant made no attempt to respond.

23. In October Judge Abrams granted Plaintiff VARA claims and to amend my complaint to include WorthPoint Corporation and Will Seippel.
24. On January 17, 2020 Plaintiff Annamarie Trombetta submitted my first Proposed Amended Complaint to include Will Seippel and WorthPoint.com and or Corporation.
25. On January 2020 EAI Defendants made another low settlement offer. On the date of response on February 1, 2022 the email for attorney Anderson Duff was blocked and no longer working. Defendant's attorney frustrated communciation.
26. On June 26, 2020 Defendants filed a Motion to Post a Bond against the Plaintiff for attorneys fees in the amount of twenty thousand dollars. Both settlement offers combined are a few hundred dollars and yet they filed for thousands of dollars
27. On March 2021 Plaintiff filed for a Motion for Sanctions against EAI which was denied.
28. On December 21, 2021 Judge Ronnie Abrams granted three surviving Claims to include the Visual Artist Right Act, Direct Copyright Infringement and the Digital Millennium Copyright Act.
29. In February and March 2022 Plaintiff was asked to write and produce two letter for Settlement Offers . Both offers were rejected by Both Defendants
30. In April 2022 Discovery was produced. EAI red signature misspelled the Plaintiff's name in multiple way. Plaintiff produced my signature from 1972 .
31. Discovery has continued from February to December 16, 2022.
32. Plaintiff submits a Proposed Amended Complaint to include Fraud, Intentional Infliction of Emotional Distress , Tort and Permanent Injuctive Relief.



### **Attachment of Facts for Defendant Will Seipple and WorthPoint .com/Corporation**

1. In late summer of 2015, via the internet, Plaintiff found a false posting under her name Annamarie Trombetta and under "Artist" - Annamarie Trombetta . The false posting was on an internet website entitled WorthPoint .com. There was a photo with a © symbol and statement "Copyright work licensed by WorthPoint" which also had the e Bay logo in color that was next to a description of a painting that had authentic biographical content from the website of the artist, Annamarie Trombetta. Plaintiff/artist did not paint in oil in 1972 nor is the signature in oil paint by the hand of artist Annamarie Trombetta. This statement insinuates that a Licensing Agreement to establish a legally binding contract between the person who owns the intellectual property and a person who receives a license to use the IP is in existence. The image and statement next to the fraudulent use of my biography also communicates to the online viewer that the signature "A.Trombetta painted in oil is created by the Plaintiff which it is not. This constitutes identity theft and copyright infringement.
2. The Plaintiff's first attempt to find out who posted the internet link for the purpose of removing the false link was the company eBay and the company WorthPoint .com due to the logos on the photo featured signature A. Trombetta This signature in oil paint which is not of the hand of the Plaintiff had no indication to the company that was "hosting" or "posting" the link on the internet.
3. Months of endless phone calls to eBay and WorthPoint .com resulted in obtaining e-mail addresses which were frustratingly futile in finding out who admittedly sold the painting and who or why this posting of the fraudulent link was on the internet. More importantly which source could possibly take this link fraudulent link off the internet.
4. On November 16, 2015 I received a written response from WorthPoint .com from one of the employee's named "Anita B." In her e-mail she wrote " We do not buy or sell anything on the site. Rather we **buy** sales records from various auction houses and sites and compile them into a price guide to help user determine the value of antiques and collectibles. If this particular item sold on eBay I recommend trying to contact eBay as they may be able to provide you with the addition information you are seeking. - Plaintiff 's Email to eBay with Worthpoint's response . I sent this notice to eBay who never offered any information other than to contact the spoof@ebay address and report the link to them. Ebay never stated how to remove the link. I did find out that eBay does not keep information longer than ninety days to six months.
5. On January 22, 2016 I subscribed to WorthPoint in order to view the entire listing of 1972, entitled "Man with a Red Umbrella" falsely misattributed in order to find out



as much as I could about this listing. Secondly I was hoping that if I was a member of WorthPoint .com someone from the company might return my phone calls or e-mails

6. On January 22, 2016 I also e-mailed [support@worthpoint.com](mailto:support@worthpoint.com) with a series of questions to the Worthpoint staff as to who posted the 1972, entitled "Man with a Red Umbrella" and that it was falsely misattributed to Annamarie Trombetta, etc.
7. On or around January 22, 2016 I spoke at length with Anita B. from WorthPoint .com on the phone regarding the misattributed painting. I informed Anita that I was NOT the artist and yet the information for this painting was posted on the internet under my name. Anita insisted that I had to contact ebay to find out who the seller could be. My response to Anita was that I had been in contact with ebay and they were not the responsible party for posting the fraudulent posting on the internet. Plaintiff has a RECORDING OF THE PHONE CALLS TO ANITA-EMPLOYEE AT WORTHPOINT AS PROOF . THE PHONE CALL ALSO PROVES HOW DIFFICULT IT WAS FOR THE PLAINTIFF TO OBTAIN INFORMATION AND TO FIND OUT WHO CAN REMOVE THE FALSE INTERNET POSTING.
8. Another follow up phone call to Anita B. from Worthpoint .com by me took place on January 29, 2016. Secondly the Plaintiff submitted a Request for the Removal of Fraudulent Links to the Worthpoint .com website resulting in a ticket number # 57565 entitled Fraudulent Artwork and Links
9. On February 3, 2016 I spoke with a Mr. Gregg Watkins who was the webmaster and maintained the information on WorthPoint 's website via the phone. We spoke at length regarding the internet posting. I informed Mr. Watson that I was not the artist that created this painting and yet the listing was underneath my name with all my authentic credentials. I asked Mr. Watkins if the post was up since 2012 when the painting had been sold and he assumed it was up since 2012. I first communicated to Mr. Watson that I was not the artist who executed this oil painting. and that this was a fraudulent listing I then requested that the internet link be removed. Mr. Watson gave me the name and e-mail address of the owner of the company Will Seipple. A RECORDING OF THE PHONE CALLS TO GREGG WATKINS WEBSITE MASTER FOR WORTHPOINT AS PROOF OF THE DETAILS REGARDING THE POST ETC. THE PHONE CALL ALSO PROVES HOW DIFFICULT IT WAS FOR THE PLAINTIFF TO OBTAIN INFORMATION AND REGARDING THE SELLER AND HOW LONG THE POST WAS LISTED AND WHO CAN PROVIDE INFORMATION ON THE POST. Mr. Watkins stated he take down the posting.
10. On February 20, 2016 the false post was still under my name. after I phoned and e-mailed both Gregg Watkins and Will Seipple CEO of Worthpoint on the 20th of February. informing both parties that I have no connection to any of the numerous false links that are under my name. I requested in this e-mail that WorthPoint

remove the links since under my name since they have not relation to my personal or professional credentials.

11. On February 29, 2016 I sent another email to Will Seippel and Greg Watkins due to a lack of response from Mr. Seippel while concurrently the false listings from Worthpoint were still on the internet under my name.
12. On March 1, 2016 I received an-email from Will Seippel with responses.
13. On March 7, 2016 I sent my final e-mail to Will Seippel. Mr. Seippel responded and in doing so sent the "String of Correspondence E-mails" one in particular to from a e-mail to Will Seippel [will.seippel@worthpoint.com](mailto:will.seippel@worthpoint.com) from Jason Packer e-mail [jason.packer@worthpoint.com](mailto:jason.packer@worthpoint.com) dated **March 2, 2016** with the subject F W: Artist Annamarie Trombetta—-Fraudulent Artwork—and links to Fraudulent Artwork. I Jason Packer states " I can file a TEMPORARY removal request w/Google for this URL..... Should I go ahead and do that ? They don't always process those but there's no real danger other than LOSING TRAFFIC for just one page. This e-mail gives validation and explains Why in December 2016 the fraudulent link that I requested to be removed was again reposted.
14. Months later on or around December 2016 I found that the same 1972, entitled "Man with a Red Umbrella" and related posted were on the internet under my name again. Despite the verbal and written requests within the numerous e-mails to Will Seippel and Greg Watkins to remove this false information, I had to contact them again. This conscious posting after Worthpoint was informed constitutes a violation of Identity Theft and Assumption Deterrence Act holds that damages include " Any measurable value of loss individual victims have suffered as a result of the theft. This includes the harm of reputations, inconvenience and other consequences.
15. On January 4, 2017 I contacted Will Seippel of WorthPoint yet again reviewing and re-submitting all the information I sent a year earlier. I forwarded the Ticket # 57565 regarding the fraudulent links and the request to remove this information. I NEVER received a written response or phone call from WorthPoint .
16. On January 31, 2017 did receive an e-mail concerning investing in WorthPoint. The company that kept re posting a fraudulent link despite any verbal or written requests kept e-mailing investment solicitations—the classic insult to injury scenario.
17. While I am contacting Worthpoint again I finally tracked down the origins of the problem —the seller of the misattributed oil.



On January 11, 2017 I it was confirmed during a phone call from Norb Novicin that on December 1, 2012 Estate Auctions Inc, which is owned and operated by Marie and Norb Novocin sold a painting dated 1972, entitled "Man with a Red Umbrella" they falsely misattributed to Annamarie Trombetta, the Plaintiff. THEY WERE THE SELLERS which was confirmed in the phone recording. Estate Auction description listing was an internet posting and link that the painting was signed Annamarie Trombetta and that I painted it in 1972. They also included in the description on the internet a photo of a signature on the painting which is not my signature. The photo signature is A. Trombetta. The painting description documents that it was signed Annamarie Trombetta. The Estate Auction Inc. description stated there were " 12 photos . The photos of the images were not visible online, only the photo of the A. Trombetta signature signed in oil. Biographical information from the artist's website was used and altered in order to sell the painting which in turn was inaccurately listed under the Plaintiff's name.

18. In May 2017, Plaintiff found a listing of her credential on Google under 1972, entitled "Man with a Red Umbrella" . It is the association of this fraudulent painting with the Plaintiff's authentic credentials which constitutes and violates The Rights of Publicity Law , The Lanham Act, The Visual Artists Rights Act
19. In the fall of 2017 Attorney Megan Noh of Cahill Cossu Noh & Robinson sent a Letter to Marie & Norb Novocin for Settlement Purposes. Megan Noh did not receive any response. She called to confirm receipt of the letter which Marie Novocin did confirm yet she refused to accept any liability.
20. On February 5, 2018 , artist Annamarie Trombetta filed a law suit in against Estate Auctions Inc. and owners Norb and Marie Novicin.
21. On January 17, 2020 Plaintiff Annamarie Trombetta submitted my first Proposed Amended Complaint to include Will Seipple and WorthPoint .com and or Corporation
22. In November 2020 Defendants Motion to Dismiss was denied. Plaintiff was granted permission and Ordered to serve second Defendants Will Seippel and WorthPoint Corporation
23. In January February 2021 Defendant were served .
24. On December 21, 2021 Judge Ronnie Abrams granted three surviving Claims to include the Visual Artist Right Act, Direct Copyright Infringement and the Digital Millennium Copyright Act. Will Seippel was dismissed due to Personal Jurisdiction.



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SEE ATTACHED SHEETS

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**INJURIES:**

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

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SEE ATTACHED SHEETS

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**IV. RELIEF**

State briefly what money damages or other relief you want the court to order.

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SEE ATTACHED SHEETS

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25. In February and March 2022 Plaintiff was asked to write and produce two letter for Settlement Offers . Both offers were rejected by Both Defendants

26. In April 2022 Discovery was produced. EAI red signature misspelled the Plaintiff's name in multiple way. Plaintiff produced my signature from 1972 .

27. On August 30, 2022 Plaintiff was deposed by WorthPoint Defendants. On the same day WorthPoint CEO and Owner served Plaintiff with a summons that was not signed and a complaint that did not have the correct facts.

28. Plaintiff has been experiencing severe emotional distress and has been overburdened by WorthPoint's additional lawsuit in Georgia. Plaintiff has been overburdened with constant demands by WorthPoint's attorneys in New York.

29. Discovery has continued from February to December 16, 2022. Plaintiff has Produce over nine hundred documents for Discovery.

30. Plaintiff submits a Proposed Amended Complaint to include Fraud, Intentional Infliction of Emotional Distress , Tort and Permanent Injuctive Relief.

## INJURIES

In January 2015 I had two Solo exhibitions after a period of ten years. The last Solo exhibition took place in 2005. I had an accident in 2003 and was seriously injured and after my last solo exhibit in 2005 I required surgery. I was in physical and occupational therapy since 2003 until late 2013. I emerged out of a difficult situation to have my first Solo exhibit in 10 years at the Union League Club Gallery on Park Avenue and East 34th Street in New York City. The Union League Club was founded in part with the involvement of Frederick Law Olmsted designer of Central Park, the nation's first public urban park. My solo exhibition featured my artwork based on the theme of Central Park. The exhibit was one month. My second Solo exhibition was at The Italian American Museum in "Little Italy" which also lasted one month.

In the months that followed I received four favorable write up and some sales ensued but not as I had hoped. A friend in earnest contacted me about a listing found under my name on the internet. I know the Estate Auction Inc. posting for certain cost me one definite sale.

The arduous task began to try and figure out who posted this listing and how do I remove this FALSE posting. Months of Stress ---Worry---Work-- Loss of Income and Time--- Disappointment and Frustration required me to return back to an Orthopedic Specialist. He stated that stress and emotional turmoil can aggravate injuries . I was in physical therapy for months. Further my other doctor who is a general physician also found that I had thyroid issues.

This ordeal with a low bid --FALSE ORIGIN---that unethically used my personal biography without my consent was and still is a serious and unjust hardship for me to endure. I have lost a great deal of time---opportunities ---money and physical stamina from such an egregious and willful act. All my efforts within the year of 2017 to contact the both companies who committed the False misappropriation and repetitive postings have been ignored. The owner who admitted to selling this false painting suggested that I "hire an attorney" which I did and who sent a letter to Estate Auctions Inc. They never replied to the attorney's letter, thus leading me to spend more time and agony to bring about a lawsuit. I recorded a phone conversation between Norb Novocin and myself. Worthpoint owner Will Seipple was several times in 2016 and once again in January 2017 and yet a posting was found to include the false links with my name and credentials in May of 2017.

The end of 2015 and most of 2016 required me to be in physical therapy and had continuous doctor visits.

No one can gage who saw the fraudulent internet posting or how it adversely effected the plaintiff. The Plaintiff , therefore asks Judge Abrams to review the allegations and the laws that were violated in conjunction with the loss of time, past and future sales of artwork and the damage this fake link that was up since 2012 has done to the Plaintiff.

Last, the Plaintiff was aware of the arduous task of litigation and went through great effort and years of turmoil to avoid and or bring justice to what is clearly two deliberate companies looking to drive traffic to their internet sites and the expense and irreparable damage to the Plaintiff.

Plaintiff has been in a legal battle four years with unending demands to the point that Plaintiff is unable to paint, create or earn a living. Plaintiff is currently suffering from PTSP due to the willful and never ending demands imposed by Defendants attorneys.

Plaintiff is exhibiting extreme emotional distress brought on the willful intent to sue Plaintiff in the state of Georgia by owner and CEO Will Seippel of WorthPoint Corporation

Plaintiff is unable to sleep , concentrate, focus , earn a living, pursue my artistic career due' to unending legal battles when Plaintiff has proven that I am not the artist who painted a low quality oil baring a name similar to mine that I did not sign.

Plaintiff had suffered a recent Flu due to intense stress which had interfered with the ability to manage my case and submit filings on time.



## RELIEF

I am seeking Relief for the Federal Laws Violated in which there are three plus the New York State Laws in which there are three.

The Federal Violations and Acts include and entitle me to the following:

- 1) **The Visual Artist Rights Act** entitle me to 1) Actual and 2) Statutory Damages
- 2) **The Digital Millennium Act** 1) Actual and 2 Statutory Damages
- 3) **The Copyright Infringement Act** Claim for an Actual Loss of Sale of Artwork
- 4) Intentional Infliction of Emotional Distress/ Tort 1) Actual 2) Statutory and 3) Compensatory Damages
- 5) **Identity Theft** on a Public Platform 1. 18 U.S. Code § 1028. Fraud and related activity in connection with identification documents, authentication features, and information (a) Whoever, in a circumstance described in subsection (c) of this section 1) knowingly and without lawful authority produces an identification document, or a false identification document; (2) knowingly transfers an identification document, authentication feature, or a false identification document knowing that such document or feature was stolen or produced without lawful authority;
2. Under the Identity Theft and Assumption Deterrence Act, it is a federal crime when a person "knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law."
- Any measurable value of loss individual victims have suffered as a result of the Identity Theft. This includes the harm of reputations, inconveniences and other consequences.**

Artist Authorship Rights entitles me to see damages for the unauthorized use of my name.

In SUMMARY I am seek Monetary Damages in the Amount to equal and exceed the Damages Plaintiff has lost and incurred for over seven years for these Reasons.

- 1) The known loss of a sale of Artwork---\$8000 which my attorney letter requested and was ignored and in addition a phone call was made to confirm receipt of the letter. The effort to gain the name of the owner--a settlement---and to resolve this situation were exercised.
- 2) The past -present and future damaging effects to my artistic reputation. THE POSTING WAS UP SINCE DECEMBER 2012 --UNTIL DECEMBER 2016.  $\$8000 \times 5 = \$40,000$ .
- 3) Physical and Emotional pain and suffering due to this false designation of origin and world wide internet posting. The cost and time for legal consultations etc. have increased the relief to request the amount to be to be equal to the infringement or whatever the court deems proper and suitable.
- 4) Monetary Damages to withstand suing two Defendants for almost five years.

**V. PLAINTIFF'S CERTIFICATION AND WARNINGS**

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

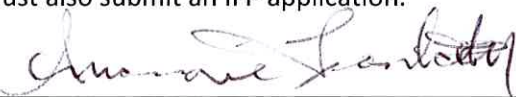
I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

December 23, 2022

Dated

Annamarie



Plaintiff's Signature

Trombetta

First Name

Middle Initial

Last Name

175 East 96th Street (12 R)

Street Address

New York

New York

10128

County, City

State

Zip Code

(212) 427-5990

atrombettaart@gmail.com

Telephone Number

Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.





United States District Court  
Southern District of New York

## Pro Se (Nonprisoner) Consent to Receive Documents Electronically

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER<sup>1</sup> at [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov) or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one "free look" at the document by clicking on the hyperlinked document number in the e-mail.<sup>2</sup> Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first "free look" or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the "free look" to avoid future charges.*

### IMPORTANT NOTICE

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court's Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your "free look" and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.<sup>3</sup>

<sup>1</sup> Public Access to Court Electronic Records (PACER) ([www.pacer.uscourts.gov](http://www.pacer.uscourts.gov)) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

<sup>2</sup> You must review the Court's actual order, decree, or judgment and not rely on the description in the email notice alone. See ECF Rule 4.3

<sup>3</sup> The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk's Office at the Court.

500 PEARL STREET | NEW YORK, NY 10007  
300 QUARROPAS STREET | WHITE PLAINS, NY 10601

PRO SE INTAKE UNIT: 212-805-0175



**CONSENT TO ELECTRONIC SERVICE**

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

**Civil case(s) filed in the Southern District of New York:**

**Note:** This consent will apply to all cases that you have filed in this court, so please list all of your pending and terminated cases. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

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**Trombetta, Annamarie**

Name (Last, First, MI)

175 East 96th Street

New York

New York

10128

Address

City

State

Zip Code

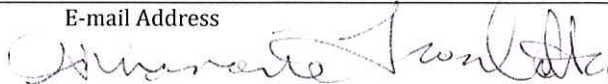
(212) 427-5990

atrombettaart@gmail.com

Telephone Number

E-mail Address

December 23, 2022



Date

Signature

**Return completed form to:**

Pro Se Intake Unit (Room 200)  
500 Pearl Street  
New York, NY 10007